

REMARKS

The Office Action issued April 22, 2003 has been carefully considered and this Amendment prepared in response. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow. Applicant thanks the Examiner for indicating that the subject matter of claims 25 and 26 would be allowable.

Claim 25 is amended. Claims 69 and 70 are being added which correspond to the elected group. Claims 27 – 68 are withdrawn from consideration. After amending the claims as set forth above, claims 1 – 26 and 69 – 70 are now pending in this application.

In the Office Action, claims 1, 19-20 and 25-26 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, and claims 1-12 and 19-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,835,396 to Zhang in view of an article written by Wada et al. entitled "Active Body-Bias SOI-CMOS Driver Circuits." Additionally, the Office Action stated that claims 25 and 26 would be allowable if rewritten to overcome the rejections 35 U.S.C. 112, ¶2 and to incorporate all limitations of base claims from which they depend.

The Rejections Under 35 U.S.C. § 112, ¶2 Are Traversed

In rejecting claims 1, 19-20 and 25-26 under 35 U.S.C. 112, second paragraph, the Office Action states that reciting "at least one driver circuit ... not located in a bulk monocrystalline silicon substrate" is indefinite for not reciting a location for the circuit. Applicants respectfully disagree and traverse this rejection for the following reasons.

As noted by the Examiner, the recitation of the "at least one driver circuit" requires that the array have the driver circuit located somewhere within it. Further, the negative limitation on the location of the driver circuit with respect to a monocrystalline silicon substrate leaves open only three possibilities. As would be apparent to one of skill in the art

and as disclosed in the specification, these three possible locations for the driver circuit depend upon the material of the substrate as follows:

1. If the substrate is monocrystalline silicon, then the driver circuit is located above the substrate;
2. If the substrate is not monocrystalline silicon, then the driver circuit may be located in the substrate; or,
3. If the substrate is not monocrystalline silicon, then the driver circuit may be located above the substrate.

Thus, claim 1 recites a very limited set of alternatives, and therefore, is not indefinite because one of ordinary skill in the art can ascertain its metes and bounds.

The Rejections Under 35 U.S.C. § 103(a) Are Traversed

The combination of Zhang and Wada is improper because there is no proper motivation to combine the references. It must be remembered that circuitry built in polycrystalline silicon films as taught in Zhang are substantially slower than those built in monocrystalline silicon. While Wada teaches that logic circuits located on/in a silicon on insulator substrate are faster than such circuits located in monocrystalline silicon, this minor advantage is irrelevant because of the relative slowness of the Zhang memory. Therefore, there would not be motivation to combine the references as suggested in the Office Action.

Second, Wada discloses high speed logic circuits, not memory driver circuits. Therefore, one of ordinary skill in the art would not be motivated to use logic driver circuits of Wada to drive the memory devices of Zhang.

Even if it were proper to combine Zhang and Wada, the combination urged in the Office Action would still not disclose the structure recited in claim 1. This is because Wada does not disclose memory driver circuits. Rather, Wada discloses logic circuits capable of driving long leads. Thus, the combination of Zhang and Wada would at best yield a logic array and one or more logic circuits, and not the memory array recited in claim 1 and the associated dependent claims.

For the foregoing reasons, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 103(a) of claims 1-20.

Amended Claim 25 Overcomes The Rejection And Incorporates Base Claim Limitations

Claim 25 has been amended as suggested by the Examiner to incorporate all limitations of the claims from which it depends to render it in independent form. As argued above, the negative recitation of the location of the driver circuit is definite because it defines just three alternative locations. Accordingly, Applicant believes claim 25 is now in condition for allowance. Since claim 26 depends from claim 25, Applicant also believes claim 26 is now in condition for allowance.

New Claims 69 And 70 Not Disclosed In The Cited References

New claim 69 is similar in scope to claim 1 with the added limitation that the driver circuit is a memory driver circuit. As discussed above, the circuit disclosed by Wada is not a memory driver circuit. Thus, even if it were proper to combine the Zhang and Wada references, the resulting combination would not disclose the structure recited in new claim 69. Accordingly, Applicant submits that new claim 69 is allowable over the cited references. Since claim 70 depends from an allowable claim, it is also allowable. Claim 70 is further allowable because it recites structure--specifically EEPROM type memory transistor devices comprising a charge storage medium--that is not disclosed in either the Zhang or Wada references. Therefore, favorable consideration of new claims 69 and 70 is respectfully requested.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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